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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,793	09/19/2005	Mehdi-Laurent Akkar	76.0828 US/PR	7755
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THE JANSSON FIRM 3616 Far West Blvd Ste 117-314 AUSTIN, TX 78731				
EXAMINER				
MC CARTHY, CHRISTOPHER S				
ART UNIT		PAPER NUMBER		
2113				
MAIL DATE		DELIVERY MODE		
09/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,793

**Applicant(s)**

AKKAR ET AL.

**Examiner**

CHRISTOPHER S. MCCARTHY

**Art Unit**

2113

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 3-5, 8, 9, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2008 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "unit" in the body. There is insufficient antecedent basis for this limitation in the claim. Claim 2 language was changed to assembly.
3. Claim 4 recites the limitation "the corresponding passage point" in the body. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 8 recites the limitation "the shared memory" in the body. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 14 recites the limitation "the corresponding passage point" in the body. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 16 recites the limitation "the module" in the body. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

7. Claims 5 and 15 are objected to because of the following informalities: The parentheses used take away and patentable weight from the enclosed limitations, if the applicant wishes to receive the weight, the punctuation needs to be removed/changed. Appropriate correction is required.

8. Claim 2 is objected to because of the following informalities: The applicant has left out language from previous claim language - "a set of directives". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Bres et al. European Patent EP0606802.

As per claim 9, Bres teaches an electronic assembly including information processing means and information storage means containing at least one program to be executed wherein the electronic assembly comprises the means required, during the execution of said program, and during the passage by at least one beacon, to store one or more items of information concerning one or more characteristics of said beacon in said storage means and means to check, at at least one check point, the consistency of the information stored about all beacons encountered (page 6, lines 12-17).

*Allowable Subject Matter*

9. Claims 1-2, 6 (under claim 2), 11-13 allowed.
10. Claims 3, 4, 5, 6 (under claim 3), 8, 14, 15, 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: When read as a whole, claims 1, 2, 11, 12 are allowable with respect to the flowing limitations:

11. With respect to claim 1, the primary reason for allowance is the limitation of causing the pre-processor to replace at least one directive by a beacon determined to correspond to the directive, in the code of the program.
12. With respect to claim 2, the primary reason for allowance is the limitation of causing the pre-processor to replace the directives in the code of the program a set of directives replaced by a set of static data.
13. With respect to claim 11, the primary reason for allowance is the limitation to cause a pre-processor to replace at least one directive inserted into a program, the at least one directive corresponding to beacon and beacon functions, and intended for the pre-processor, by a determined beacon in the code of the program.
14. With respect to claim 12, the primary reason for allowance is the limitation to replace directives inserted into a program, the directives corresponding to beacon and beacon functions, by a set of static data, beacon functions and verification functions to automatically

integrate a set of valid executions represented by the static data, the beacon functions being used for calculating dynamically a representation of the execution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

15. Applicant's arguments filed 3/2/09 have been fully considered but they are not persuasive.

With respect to claim 9, the applicant has argued that Bres does not teach "store one or more items of information concerning one or more characteristics of at least one beacon during the passage of said beacon." The examiner respectfully disagrees. Bres teaches on page 6, lines 1-5 identifiers that are signatures that serve as descriptions of the identifiers. The examiner deems this as fulfilling the limitation of information that is stored that describes a beacon.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER S. MCCARTHY whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. McCarthy/  
Primary Examiner, Art Unit 2113